David Robitaille:
[In front of camera]
At the heart of constitutional law, there are people.

[Subtitle]

Constitutional law affects the lives of individuals every day

David Robitaille:
[In front of camera]
Imagine a farmer whose family has been cultivating the land in the Lower St. Lawrence River in Quebec for four generations, who sees arriving on her property one morning an oil rig. Naturally, the woman sees the team of engineers on site and asks them, "What are you doing here? This is my land." And the engineer answers, "Well, ma'am, we're drilling for oil," And the lady says, "Well, I never consented to that." And the engineer tells her, "Well, ma'am, it is not necessary for you to consent. We have a permit from Ottawa, a federal permit. It does not concern you. Above all, do not hinder our work, because if you do we will sue you for an astronomical sum." So, redressing this type of power imbalance – that’s why we do research.
At the heart of law
Research in law for local citizenry

David Robitaille [Professor, Faculty of Law, Civil Law Section]:
[In front of camera]
Hello, my name is David Robitaille. With my colleagues Lucie Lamarche and Benoît Frate, we are doing research on local citizenry in the context of hydrocarbon transportation, a project that aims to better understand the relationships between citizens, municipalities, and the federal and provincial governments.

Subtitle
Research allows for a better understanding of how citizens mobilize constitutional law to defend natural resources locally

David Robitaille:
[In front of camera, with text below appearing beside him]
In terms of projects involving the extraction and transportation of natural resources, there is a power imbalance. The people on the land say, “We have a point of view to assert.” So, as university researchers, we think it is very important to take an interest in this phenomenon to better understand how the law is being enacted on the ground and to try to see how constitutional law could ultimately be actualized.

There is a power imbalance
"We have a point of view to assert"

Relevance of the research
Understanding the law in action on the ground
Actualizing constitutional law

[Image of la Charte canadienne des droits et libertés; the following text appears as the camera zooms in on silhouettes of people decorating la Charte]

The path of law must reflect the collective voice

David Robitaille:
[In front of camera]
I think what we found in this data is amazing. For example, we realized that although the right to a healthy environment is not enshrined in the Canadian Charter – and may never be because changing the Canadian Charter is extremely difficult – the right to a healthy environment exists, not in a strictly legal sense, but the right to a healthy environment exists.

[Text]
Even if it is not formalized, the right to a healthy environment exists

David Robitaille: [In front of camera, with text below appearing beside him]
I would say that this project helped me to realize that, basically, constitutional law goes beyond the paper on which it is written in the Constitution, but it is law that is lived every day. The way that I view research today, at least in recent years, is to put it at the service of citizens.

Constitutional law

goes beyond the paper on which it is written

is lived every day

[Text]

Legal research helped to reestablish the balance of power in the Restigouche case

Municipality of 168 inhabitants sued for $1.5 million by an oil company after adopting in 2013 a regulation preventing any oil or gas drilling near a source of drinking water.

David Robitaille: [In front of camera]
One of the objectives of this research project is access to justice. When my colleague Jean-François Girard and I intervened to help Ristigouche, which was sued by an oil company, we saw how the citizens appreciated what we do. The citizens were in the courtroom every day, and when we came out on the last day, the citizens – there were people crying, there were people thanking us, and, at the same time, we were energized by that. It's incredible. We can say, "Ok, I managed to do something good today with my knowledge." It is important for knowledge to come out of the university and serve the people.

[Text]

Knowledge at the service of citizens

Research at the service of citizens

David Robitaille: [In front of camera, with text below appearing beside him]
Law is not just legal norms. It is also a way of conceiving power relations and political relations. I think that we should recognize the right of citizens to say no. The right to say no to natural resource extraction projects, be it mining, oil or shale gas. The right to say no to projects that can contaminate their environment. For me, the first principle that there would be in public policy on this topic would be the right of citizens to say no, the right of citizens to participate, the right of citizens to be consulted.

Reestablishing the balance of power
the right to say no
the right to participate
the right to be consulted

[Subtitle]

Impacts of the research

David Robitaille:
[In front of camera]
This is a culmination of the research: we want to launch an observatory that would be a kind of hub for the municipal world, for citizens, particularly in the context of natural resource extraction. Ideally, we would hope that it is not just academics who participate in this but a wide array of different representatives, citizens, people from the municipal sector – a kind of observatory where ideas will converge in relation to these issues.

[Subtitle]

Research into local issues lies at the heart of innovation in law

David Robitaille:
[In front of camera]
Another aspect is a survey. We will soon be launching a survey of about 200 municipalities located along the route of a pipeline that will be built or that has been built; and that is unprecedented because it will give us research data that we do not yet have on paper. Why the “local” and not the “international”?
We are in an era of internationalization. Well, it’s pretty simple: for me, the “local” is people.

[Subtitle]

Research in law for the local citizenry

David Robitaille:
[In front of camera, with text below appearing beside him]
Collaboration in research is extremely important. We cannot do this alone. We have many students doing research with us. Some students will do research on the laws, in the jurisprudence, but other students have also, for example, analyzed several hundred case memoranda or letters submitted by municipalities and citizens. It motivates the students a lot to know that they are working for an important cause. The law is a coded language. Not everyone will necessarily understand this language. We are lucky, we have been trained for this, but we must make it accessible and put it at the service of citizens, and that is how I think it changes the world a little – maybe only one small drop at a time, but it helps people.

Research in law
a world of collaboration
a place of learning
a possibility for contribution
a tool for accessibility
a path towards transformation

Subtitle and text

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Pierre Rogué (Research Assistant)

[Logos: Social Sciences and Humanities Research Council of Canada; uOttawa; Université de Québec à Montréal]

[Credits]

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